

REMARKS

In the specification, paragraphs have been amended on pages 1-5, 7-11, and 13-15.

Claim 32 are being cancelled.

Claims 30, 33, 35-37, 39, 41, 44, 46, 49, and 51-53 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 30-53 are now pending for examination, and claims 54-60 remain withdrawn in this application.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Specification

Applicant amended the specification in a non-limiting way, in order to correct typos and clerical errors on pages 1-5, 7-11, and 13-15. Support for specification amendments can be found throughout the specification and the original claims. No new matter has been added.

Claim Objections

Claims 30, 32, 35-37, 39, and 41 are objected of informalities in this Office Action.

Applicants amended claims 30, 35-37, 39, and 41, by replacing “Gingko Biloba” with “*Ginkgo biloba*”, as suggested by the Examiner. Claim 32 is being cancelled. The above amendments should remove the claim objections.

Claim Rejections 35 U. S. C. § 112

(I) Claims 32-34 and 37-53

Claim 32 is being cancelled. Claims 33, 37, 44, and 46 are amended to depend from claim 30 instead of claim 32. Claim 30 is amended to recite “... a neutral core coated with a

layer... an intermediate water-repellent layer... and an outer polymeric layer ...”. Support for this amendment can be found on page 5 line 27-28 of the specification and in the original claims. No new matter has been added.

Claims 34, 38-43, 45, and 47-53 now depend from claim 30, instead of claim 32. These amendments should remove the 112 rejections of Claims 32-34 and 37-53.

(II) Claim 44

Claim 44 is amended to depend from claim 30, which, after the current amendment, recites “an intermediate water-repellant layer”. This amendment should remove the 112 rejection of claim 44.

(III) Claim 51

Claim 51 is amended by replacing the term “coating polymers” with “coating agents”. Claim 51 depends from claim 46 which recites “at least one coating agent”. All limitations in currently amended claim 51 have sufficient antecedent basis, which removes the 112 rejection of claim 51. Support for this amendment can be found on page 6 line 19 of the specification.

(IV) Claim 32

Claim 32 is being cancelled in this response, which removes the rejection.

(V) Claim 49 and 52

Claim 49 is amended to depend from claim 46, and claim 52 is amended to depend from claim 49, as the Examiner suggested.

Claim Rejections 35 U. S. C. §§ 102 and 103

Claim 30-34, 37-38, 40, 42, 44-49 and 52 are rejected under 35 U.S.C. § 102 (b) as anticipated by Debregeas et al (US 2004/0081691). Claims 30-53 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Debregeas (US 2004/0081691) in view of O’Hara et al (Archives of Family Medicine).

The claimed embodiments use sustained release microgranules comprising “an intermediate water-repellent layer” to avoid the problem of sticking between granules that is induced by *Ginkgo biloba* extract. One would expect that the addition of such “an intermediate water-repellent layer” between the active layer comprising the *Ginkgo Biloba*

extract and the polymeric layer will interfere with the release of the flavone glycosides. Unexpectedly, the experimental results in Example 1 as described in the present application show that the sustained release of the flavone glycosides is not affected by this additional intermediate water-repellent layer.

Debregeas et al does not teach sustained release microgranules of *Ginkgo biloba* having an intermediate water-repellent layer located between the active layer and the sustained-released layer. Thus, Debregeas et al fails to disclose the recited feature of claim 30 of "...intermediate water-repellent layer...". Debregeas et al does not anticipate currently amended claim 30.

O'Hara et al was cited for disclosing other features of the claims but fails to cure the deficiencies of Debregeas et al explained above.

Thus, claim 30 is now in condition for allowance. Claims 31- 53 depend from claim 30 and are patentable for at least the same reasons.

Conclusion

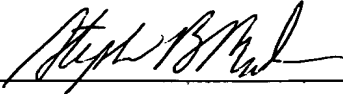
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,
Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment
of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 14, 2008

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264